

MAR 01 2007

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Application No: 10/004,089  
Response to Office Action of 12/01/2006**REMARKS**

The Applicants have amended claims 1, 10, 24 and 33. Claims 1-17, 24-27 and 33-36 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-17, 24-26 and 33-36 under 35 U.S.C. 102(e) as allegedly being anticipated by Kusano et al. (U.S. Patent No. 2003/0074421). The Office Action rejected claims 27 under 35 U.S.C. 103(a) as allegedly being unpatentable over Kusano et al. in view of Official Notice.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

Specifically, the Applicants' independent claims include programming one or more selectors located on a surface of the computer-assisted equipment, wherein the selectors are configured to select and play Internet broadcasts and MP3 files stored on media resident within the remote computer and to control additional service programs running on the remote computer.

In addition, the newly amended independent claims also now include configuring a unique user interface containing respective functions of each device of the computer-assisted equipment and functions of the remote computer, and displaying the unique user interfaces on each respective device of the computer assisted equipment. Support for these newly claimed elements can be found throughout the specification. For example, the claim amendments are clearly disclosed in FIGS. 1-3 and in at least paragraphs [0022], [0024], [0026] and [0028] of the Application specification (U.S. Patent Publication No. 2003/0079002).

With regard to the rejection under U.S.C. 102, the Applicants respectfully submit that Kusano et al. do not disclose, teach, or suggest all of the above claimed features. Although Kusano et al. disclose providing a user with a user interface for consumer electronic devices, the user interface in Kusano et al. is one single consistent user interface that is located on the remote computer and not on the consumer electronic devices (see at least Summary, paragraphs [0006], [0007] and [0064] and FIGS. 1, 2, 5 and 6-7 of Kusano et al.), like the Applicants' claimed invention. For example, Kusano et al. explicitly states that it only uses "one consistent user interface via which a user can control a web-enabled device; store and access locally stored data; and effectively find and access information via the

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internet and store the acquired information in an integrated manner with locally stored data." (see paragraph [0007] of Kusano et al.). Consequently, unlike the Applicants' claimed invention, Kusano et al. requires one consistent user interface as software operating on a central computer and not unique and different user interfaces that reside and operate on the individual devices.

Thus, the Applicants respectfully request withdrawal of this rejection because the cited reference does not contain all of the features of the Applicants' claimed invention, so it cannot anticipate the claims.

With regard to the rejection under 35 U.S.C. 103, the cited reference in combination with the Official Notice taken by the Examiner does not render the claims obvious, because the Official Notice in combination with Kusano et al. are still missing the claimed features argued above. Further, in addition to the arguments that Kusano et al. do not disclose, teach or suggest all of the Applicants' claimed features, Kusano et al. should not be used as a reference because it teaches away from the Applicants' claimed invention. In particular, as argued above, Kusano et al. explicitly require one consistent user interface as software operating on a central computer (see at least paragraph [0007] of Kusano et al.).

In contrast, the Applicants' claimed invention uses multiple user interfaces that reside on each respective individual device, and not one consistent user interface for all of the devices that operates as software on a central computer. Therefore, the Applicants' claims are in direct conflict with Kusano et al. because Kusano et al. requires one consistent user interface for all of the devices that operates as software on a central computer. Consequently, Kusano et al. would be rendered inoperable if multiple user interfaces that reside on each individual device were used, like the Applicants' claimed invention.

It is well settled that when a teaching away exists, the reference(s) should not and cannot be considered. Tec Air, Inc. v. Denso Mfg. Mich. Inc., 192 F.3d 1353, 52 USPQ2d 1294 (Fed. Cir. 1999). Hence, this "teaching away" prevents obviousness from being established. In addition, the failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention also indicates a lack of a prima facie case of obviousness. W.L. Gore & Assocs. V. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

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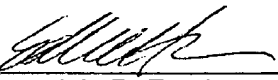
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With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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